

**BEFORE THE GEORGIA DEPARTMENT OF BANKING AND FINANCE
STATE OF GEORGIA**

SEVEN SEAS BOTTLE SHOP, INC.

Petitioner,

v.

GEORGIA DEPARTMENT OF
BANKING AND FINANCE,

Respondent.

GASAN AWAD,

Petitioner,

v.

GEORGIA DEPARTMENT OF
BANKING AND FINANCE,

Respondent.

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GEORGIA DEPARTMENT OF
BANKING AND FINANCE

Docket No. DBF-CC-09-001

CONSENT ORDER

On or about March 18, 2009, the Georgia Department of Banking and Finance ("Department") conducted an examination of the check cashing activities of the Seven Seas Bottle Shop, Inc. ("Seven Seas"), check cashing registration number 23254. The records of the Department reflect that Gasan Awad is the 100% owner of this registrant. During the Department's examination, numerous violations by Seven Seas of agency laws and rules were identified, including employment of an ineligible person in violation of O.G.G.A. § 7-1-702(b); failure to file for and obtain Department approval of a change of ownership in violation of Department Rule 80-3-1-.02(9)(b); failure to perform employee background checks and maintain employee personnel files in violation of

Department Rule 80-3-1-.02(6); failure to renew its Financial Crimes Enforcement Network ("FINCEN") registration with the United States Department of Treasury in violation of Department Rule 80-3-1-.03; failure to provide receipts to consumers for check cashing transactions in violation of Department Rule 80-3-1-.02(5)(g); and failure to maintain a complete Daily Record of Checks Cashed Over \$1,000 and a complete Daily Record of Checks Cashed Under \$1,000 in violation of Department Rule 80-3-1-.02(5)(b).

On May 26, 2009, the Department issued a Notice of Intent to Revoke Annual License ("Notice") to Seven Seas for hiring a felon in violation of O.G.G.A. § 7-1-702(b). On this same date, a proposed Order to Cease and Desist was issued to Seven Seas' owner, Gasan Awad, alleging that he also violated O.G.G.A. § 7-1-702(b).

On July 13, 2009, an Amended Notice of Intent to Revoke Annual Registration was issued to Seven Seas to correct references in the original Notice in which this company's authority to operate as a check casher in the state of Georgia was referred to as being that of a licensee instead of a registrant.

Hearings were timely requested in correspondence postmarked June 9, 2009, to appeal the Notice of Intent to Revoke Annual License, as amended, issued to Seven Seas and the proposed Order to Cease and Desist issued to Gasan Awad.

The parties have agreed to the resolution of the administrative matters pending against Seven Seas and Gasan Awad in its entirety.

Accordingly, it is hereby ORDERED as follows:

1. Within 30 days of the effective date of this Consent Order (the date on which it is accepted by the Department), Seven Seas shall submit documentation to the Department demonstrating that each and every one of its check cashing employees,

including those that are family members of owner Gasan Awad or any subsequent owner(s), have been subjected to and successfully passed a background check. All background checks of employees that perform check cashing functions shall be processed by the Georgia Crime Information Center. No individual, including any family member of Gasan Awad or any subsequent owner(s), shall be employed by Seven Seas if he or she is a first offender under sentence; has entered a plea of nolo contendere to a felony charge; has been adjudicated without guilt for the commission of a felony; or has entered a guilty plea to or has been convicted of a felony for which an official certification or pardon has not been obtained that removes the legal disabilities resulting from such conviction and restores civil and political rights. At least every two years, Seven Seas will have the Georgia Crime Information Center perform background checks on all of its existing employees, including any family members of Gasan Awad or any subsequent owner(s). Seven Seas shall perform background checks for all new employees, including any family members of Gasan Awad or any subsequent owner(s), prior to their initial start date.

2. Seven Seas shall provide the Department with written notification of the disposition of any felony charges currently pending against any of its employees, including any family members of Gasan Awad or any subsequent owner(s), within 10 days of its occurrence. Seven Seas shall immediately terminate the working relationship that it has with any employee, including any family member of Gasan Awad or any subsequent owner(s), who becomes a first offender under sentence; enters a plea of nolo contendere to a felony charge; is adjudicated without guilt for the commission of a felony; or enters a guilty plea to or is convicted of a felony for which an official

certification or pardon has not been obtained that removes the legal disabilities resulting from such conviction and restore civil and political rights.

3. Thirty days after the effective date of this Consent Order, Seven Seas shall be able to produce for the Department upon request personnel files for each and every employee by whom check cashing functions are performed. This requirement shall apply to all employees who engage in check cashing functions, including family members of Gasan Awad or any other subsequent owner(s). At a minimum, an employee personnel file shall contain a copy of the background check that has been performed by Seven Seas. The personnel file for each employee serving in a supervisory position shall also contain a credit report performed by an independent third-party and a copy of the Department's completed MSB3—Biographical Statement and Consent Form. For purposes of this requirement, a "supervisory position" shall mean any position occupied by a person responsible for the day-to-day job performance of one or more other persons or who is responsible for the overall management of any check cashing outlet except on a temporary (less than one month) basis and irrespective of the number of subordinates that are employed. A copy of any background check performed, independent credit report run and Department MSB3—Biographical Statement and Consent Form completed, where appropriate, shall be retained in an employee's personnel file until one year after the person's employment relationship with Seven Seas concludes.

4. Within 30 days of the effective date of this Consent Order, Seven Seas shall provide all outstanding information requested by the Department to take final action on the change of ownership application that is pending, or it shall be deemed to be withdrawn. Until such time as a change of ownership may be officially authorized by the Department, Seven Seas shall not represent to any person that it is owned by anyone

other than the sole owner on record with the Department, Gasan Awad, for purposes of its check cashing operations.

5. Within 30 days of the effective date of this Consent Order, Seven Seas shall renew its FINCEN registration with the United States Department of Treasury. Once renewed, this registration shall be kept current by Seven Seas as at all times the company is engaging in check cashing functions as contemplated by federal law and state rules.

6. For every check that is cashed by Seven Seas, a receipt shall be provided to each customer that contains Seven Seas' name, the date of the transaction, the amount of the check cashed, and the fee charged to cash the check.

7. No later than 30 days after the effective date of this Consent Order, Seven Seas shall have in place a Daily Record of Checks Cashed documenting all check cashing transactions that occur on each day as required by Department Rule 80-3-1-.02(5)(b). Once created, this Daily Record of Checks Cashed shall be maintained by Seven Seas on a going-forward basis and shall be produced for the Department upon request.

(a) For all checks cashed in excess of \$1,000.00, Seven Seas shall include in its Daily Record of Checks Cashed the following information:

- (i) The date of the transaction;
- (ii) The date of the check, draft or money order;
- (iii) The check number;
- (iv) The name and location or routing number of the payor bank;
- (v) The name of the drawer of the check;
- (vi) The name, address and identifying number of the person negotiating the check;
- (vii) The amount of the check; and

(viii) The amount of the fee charged for cashing the check

(b) For all checks cashed that are \$1,000.00 or less, Seven Seas shall include in its Daily Record of Checks Cashed the following information:

- (i) The name of the person negotiating the check;
- (ii) The amount of the check; and
- (iii) The amount of the fee charged

8. Seven Seas shall pay a fine in the amount of \$10,000.00 to the Department in full and final satisfaction of any and all monetary claims that were brought by the Department in connection with the violations identified during the March 18, 2009, examination that resulted in the issuance of the Notice of Intent to Revoke Annual License dated May 26, 2009, as amended on July 13, 2009. This fine shall be paid in certified funds made payable to the "Georgia Department of Banking and Finance" and shall be remitted at the same time that Seven Seas and Gasan Awad return the signed Consent Order to this agency for acceptance.

9. Seven Seas will strictly comply with the Bank Secrecy Act, the laws governing the cashing of checks set forth in O.C.G.A. § 7-1-700 *et seq.*, as well as the Department's rules enacted pursuant thereto. Failure to do so may result in further administrative action being brought against Seven Seas, including, but not limited to, the revocation of its registration.

10. The Department shall withdraw the Notice of Intent to Revoke Annual License dated May 26, 2009, and Amended Notice of Intent to Revoke Annual Registration dated July 13, 2009, issued to Seven Seas.

11. The Department shall withdraw the proposed Order to Cease and Desist dated May 26, 2009, issued to Gasan Awad.

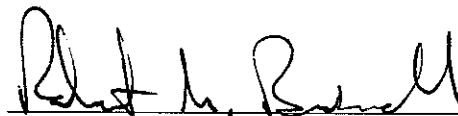
12. The entry of this Consent Order and compliance with the provisions set forth therein will resolve the matters pending against Seven Seas that were identified by the Department in its proposed Notice of Intent to Revoke Annual License dated May 26, 2009, and Amended Notice of Intent to Revoke Annual Registration dated July 13, 2009.

13. The entry of this Consent Order and compliance with the provisions set forth therein will resolve the matters pending against Gasan Awad that were identified by the Department in its proposed Order to Cease and Desist dated May 26, 2009.

14. The terms of this Consent Order may be enforced by the Department pursuant to O.C.G.A. § 7-1-707(e)(2).

15. This Consent Order shall be regarded as a public document that the Department may publish in the same manner as a final order of this agency.

SO ORDERED, this ^{August}~~3rd~~ day of ~~July~~ 2009.



ROBERT BRASWELL

Commissioner

Georgia Department of Banking and Finance

Consented to by:



Rod Carnes

Deputy Commissioner

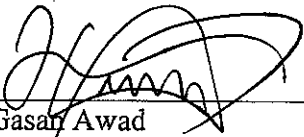
Non-Depository Financial Institutions Division

Georgia Department of Banking and Finance

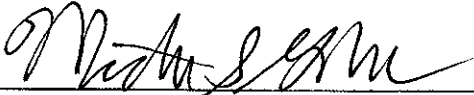
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Atlanta, Georgia 30341

(Signatures continued on the next page.)



Gasan Awad
Seven Seas Bottle Shop, Inc.
4121 Austell-Powder Springs Road
Powder Springs, Georgia 30127
Individually and in his capacity as Owner of the
Seven Seas Bottle Shop, Inc.



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